

HEARING MINUTES AND ORDER

Cause Number: CR-03-24

Style: USA v. Michelle Valencia

Appearances:

Counsel:

Representing:

John Braddock

Government

Chris Flood/Charles Flood

Defendant

Date: April 26, 2005

ERO: Yes

Time: 9:00 a.m. - 9:15 a.m.

Interpreter:

At the hearing the Court made the following rulings:

Pretrial conference held in conjunction with Cr-04-514 pending against Defendant.

Although this case has been remanded by the Fifth Circuit for trial, Defendant has filed a petition for writ of certiorari with the United States Supreme Court. Trial prior to resolution of that petition is inappropriate. Defendant has waived her speedy trial rights. This case also is complex and the Court makes speedy trial findings: Counsel for Defendant seeks additional time for resolution of the appeal and analysis of the Government's evidence in the new proceeding for the purpose of preparation of her defense. Failure to grant the requested continuance in this proceeding will likely result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(i). Thus, the interests of justice served by granting the continuance outweigh the best interests of the public and the Defendants in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). The Court finds that the period of excludable delay resumed upon the Court of Appeals' issuance of its mandate on January 21, 2005, and continues until trial in this matter. See 18 U.S.C. §§ 3161(h)(8)(A) and (B).

Amended scheduling order as follows:

Defendants Motions due **July 6, 2005.**

Government's Responses due **August 12, 2005.**


Defendants' Replies due **September 2, 2005.**

Pretrial conference set **October 19, 2005 at 9:30 a.m.**

Subject to resolution by the United States Supreme Court, this Court intends to try this case in late January or February, 2006.

The Clerk will file these Minutes and Order and provide copies to the parties.

SIGNED at Houston, Texas this 26th day of April, 2005 .



Nancy F. Atlas
United States District Judge